

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HARTFORD UNDERWRITERS
INSURANCE COMPANY,

Plaintiff,

Case No. 21-cv-11599
Honorable Nancy G. Edmunds,
Magistrate Judge Kimberly G. Altman

DAVID OTTO

Defendant.

/

SUPERSEDEAS BOND

KNOW ALL MEN BY THESE PRESENTS, that I, David Otto, as Principal, and U.S. Specialty Insurance Company, whose address is: 13403 Northwest Freeway, Houston, TX 77040, as Surety, are held and firmly bound unto the Plaintiff, Hartford Underwriters Insurance Company in the sum of One Million, Five Hundred Thirty Six Thousand, Seven Hundred One Dollars and Ninety Cents (\$1,536,701.90), for the payment of which, well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the United States District Court for the Eastern District of Michigan, on the motion of Defendant, issued an order granting a stay of execution

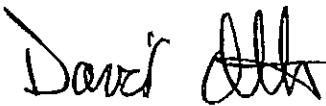
of the Declaratory Judgment in this action conditioned on Defendant's procurement of a supersedeas bond in the amount of \$1,536,701.90. [ECF No. 32].

NOW THEREFORE, the condition of this obligation is such that if (1) the judgment in this action [ECF No. 25] shall be vacated or reversed on appeal; or (2) Defendant David Otto shall pay the judgment, including all interest and costs, incurred under the judgment, then this obligation shall be null and void and released. Otherwise, the obligation stated above shall remain in full force and effect, provided however, the maximum liability of the surety shall not exceed the sum of One Million, Five Hundred Thirty-Six Thousand, Seven Hundred One Dollars and Ninety Cents (\$1,536,701.90),

IN WITNESS WHEREOF, David Otto, as Principal, and U.S. Specialty Insurance Company, as Surety, have hereunto set our hands this 8th day of May, 2023.

PRINCIPAL:

David Otto

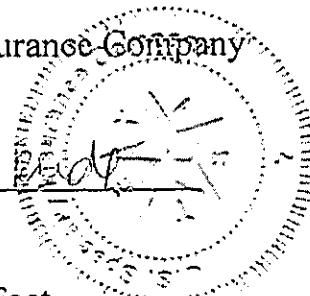


SURETY:

U.S. Specialty Insurance Company

BY: Amanda Riedl
Amanda Riedl

ITS: Attorney-in-Fact



TOKIO MARINE
HCC

POWER OF ATTORNEY

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, Texas Bonding Company, an assumed name of American Contractors Indemnity Company, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

Stephen M. Beahm, Sara S. DeJarnette, Kristine Donovan, Clark P. Fitz-Hugh, David C. Joseph, Elizabeth W. Kearney, Catherine C. Kehoe, Conway C. Marshall, Amanda A. Riedl of New Orleans, Louisiana

its true and lawful Attorney(s)-in-fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed *****Seventy Five Million***** Dollars (**\$75,000,000.00**). This Power of Attorney shall expire without further action on January 31st, 2024. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 23rd day of September, 2021.

AMERICAN CONTRACTORS INDEMNITY COMPANY TEXAS BONDING COMPANY
UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY

State of California

County of Los Angeles



By:

Daniel P. Aguilar, Vice President

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

On this 23rd day of September, 2021, before me, D. Littlefield, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal:

Signature

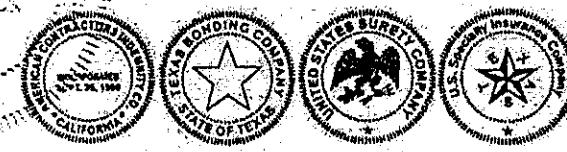
(seal)



I, Kio Lo, Assistant Secretary of American Contractors Indemnity Company, Texas Bonding Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 8 day of September, 2023.

Corporate Seals

Bond No. 1001030455Agency No. 16586

Kio Lo, Assistant Secretary